



PUBLIC NOTICE

Federal Communications Commission
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DA 00-963
May 1, 2000

**Goddard GigaPoP, LLC, Seeks Commission Determination of "Exempt
Telecommunications Company" Status Under the Public Utility
Holding Company Act of 1935, As Amended by Section 103
of the Telecommunications Act of 1996**

NSD File No: ETC 00-15

Pleading Cycle Established

Comments Due: May 22, 2000

Reply Comments Due: June 5, 2000

On April 20, 2000, Goddard GigaPoP, LLC ("Goddard" or "Applicant"), pursuant to Section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by Section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

Goddard is a Delaware limited liability company. Fifty percent of Goddard is owned by NEES Communications, Inc., which itself is a limited purpose communications subsidiary of New England Electric System ("NEES"), a registered public utility holding company under PUHCA, and an ETC granted by Commission Order in ETC-96-15. Worcester Polytechnic Institute owns the remaining fifty percent of Goddard.

Applicant states it will be engaged directly, or indirectly, through one or more affiliates (as defined in Section 2(a)(11)(B) of PHUCA), and exclusively in the business of providing: (A) telecommunication services; (B) information services; (C) other services or products subject to the jurisdiction of the Federal Communications Commission; and/or (D) products or services that are related or incidental to the provision of a product or service described in (A), (B), or (C) above.

Specifically, Applicant states it intends to offer Internet2 access and other information services. It will establish, develop, operate and maintain a gigabit Point of Presence facility (or "gigaPoP") to provide high speed connectivity to Internet2. Applicant intends to offer technical and administrative services to enable its information service customers to install and house fiber optic and electronic equipment needed to utilize Applicant's information services. In the future, Applicant may also provide telecommunications and other "related and incidental" products and

services as permitted by section 103 of the 1996 Act, when such opportunities arise and in a manner consistent with PUHCA, as amended, and other applicable laws and regulations

In accordance with 47 C.F.R. § 1.5004, if the Commission does not issue an order denying Applicant's application within 60 days of receipt of this application, in this case, April 20, 2000, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. § 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case, April 20, 2000, until the date of Commission action pursuant to 47 C.F.R. § 1.5004. In accordance with 47 C.F.R. § 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that Applicant is deemed to be an exempt telecommunications company. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **May 22, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **June 5, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD File No. **ETC 00-15**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amccloud@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

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